

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

STEVEN KINFORD,

Plaintiff,

v.

JAMES PINCOCK,

Defendant.

3:14-cv-125-RCJ-WGC

**ORDER**

**I. DISCUSSION**

On March 7, 2014, Plaintiff filed an application to proceed *in forma pauperis* and submitted a prisoner civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1, 1-1). On April 17, 2014, Plaintiff filed a motion for voluntary withdrawal of his § 1983 complaint. (ECF No. 3). On April 28, 2014, this Court granted Plaintiff's application to proceed *in forma pauperis*, ordered Plaintiff to pay the full filing fee, and dismissed the case in its entirety with prejudice. (ECF No. 4 at 4-5). The Clerk of the Court entered judgment the same day. (ECF No. 5).

On June 6, 2014, Plaintiff filed a motion to vacate judgment. (ECF No. 7). Plaintiff seeks relief from this Court's April 28th order because he sought to voluntarily dismiss his case ten days prior to the Court's dismissal order. (*Id.* at 1). The Court grants Plaintiff's motion to vacate the order and judgment entered on April 28, 2014.

Pursuant to Federal Rule of Civil Procedure 41, Plaintiff could dismiss his action without a court order by filing "a notice of dismissal before the opposing party serve[d] either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). Plaintiff timely filed his notice of dismissal. The Court now vacates its April 28, 2014 order (ECF No. 4) and finds

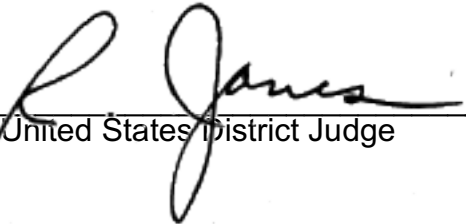
1 that this case has been voluntarily dismissed by Plaintiff.

2 **II. CONCLUSION**

3 For the foregoing reasons, IT IS ORDERED that the motion to vacate judgment (ECF  
4 No. 7) is GRANTED.

5 IT IS FURTHER ORDERED that the Clerk of the Court shall vacate the order and  
6 judgment entered on April 28, 2014 (ECF No. 4, 5). The Clerk of the Court shall enter a  
7 judgment reflecting that this case was voluntarily dismissed by Plaintiff pursuant to his motion  
8 for voluntary withdrawal (ECF No. 3).

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10 Dated: This 9th day of July, 2014.

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13 United States District Judge  
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